

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

Title V Air Permit Fees
LSA Document #23-290

Overview

Title V of the Clean Air Act (CAA) requires state air permitting programs to be supported by fees that are sufficient to cover all reasonable direct and indirect costs incurred in the development and administration of the air permit program in accordance with federal requirements. Title V fees are established in IC 13-17-8 and implemented in 326 IAC 2-1.1-7.

SEA 155, which was signed by the Governor on April 20, 2023, increases the annual base fee for two Title V permits: Part 70 and Federally Enforceable State Operating Permits (FESOPs). The law requires the Environmental Rules Board to adopt rules that change the amounts of these fees in 326 IAC 2-1.1-7. Accordingly, this rulemaking increases the fees for FESOP and Part 70 permits from \$2,381 to \$6,100. This rulemaking will impact the affected Title V permits that are first due and subject to collection by the department after December 31, 2023, and before January 1, 2029.

Affected Persons

This rule will impact FESOP and Part 70 air permit holders and permit applicants. IDEM currently bills 553 Part 70 permits and 608 FESOP permits.

Reasons for the Rule

This rulemaking is required by SEA 155.

Economic Impact of the Rule

There is no fiscal impact beyond what is required by SEA 155. This statute requires two Title V air permit fees, Part 70 and FESOP fees, to be increased. The annual base fee for both types of Title V permits will be increased from \$2,381 to \$6,100. This will increase revenue for the Title V permitting program by \$4,317,759 each year.

Scheduled Board Action and Hearings

First Public Hearing: June 14, 2023, at 1:30 PM at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Seth Engdahl, Rules Development Branch, Office of Legal Counsel, at (317) 234-9535, (800) 451-6027 (in Indiana), or sengdahl@idem.in.gov.